

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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YARON KWELLER,

Plaintiff,

-against-

**NOTICE OF MOTION**

Case No. 3:24-CV-1328 (ECC/ML)

THE COUNTY OF BROOME, THE CITY OF  
BINGHAMTON, THE BROOME COUNTY  
DISTRICT ATTORNEY'S OFFICE, DISTRICT  
ATTORNEY MICHAEL A. KORCHAK, CHIEF  
ASSISTANT DISTRICT ATTORNEY MARK  
LOUGHRAN, ASSISTANT DISTRICT ATTORNEY  
ALYSSA CONGDON, ASSISTANT DISTRICT  
ATTORNEY AMANDA CRONIN, DISTRICT  
ATTORNEY INVESTIGATOR JEFF J. WAGNER,  
BINGHAMTON POLICE DEPARTMENT CHIEF  
JOSEPH ZIKUSKI, BINGHAMTON POLICE  
DEPARTMENT CAPTAIN CORY MINOR,  
BINGHAMTON POLICE DEPARTMENT  
INVESTIGATOR AMANDA MILLER, all in their  
individual capacities, and JOHN DOES 1-10,  
representing Broome County District Attorney's Office  
and Police Department Employees Whose Names Are  
Currently Unknown, HAILEY DEMKOVICH, and  
SAMANTHA HERCEG,

Defendants.

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PLEASE TAKE NOTICE that upon the enclosed Memorandum of Law, the undersigned,  
on behalf of defendant Alyssa Congdon (hereinafter "defendant"), shall move this Court upon  
submission of the papers before the Honorable Elizabeth C. Coombe, U.S.D.J., for (a) an Order  
pursuant to Federal Rule of Civil Procedure § 12(b)(6) dismissing plaintiff Yaron Kweller's  
complaint in its entirety; and (b) for such other and further relief in favor of defendant as the  
Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 7.1(a)(1) of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to the within motion must be filed with the Clerk of the Court and served upon counsel for defendant no more than twenty-one (21) days after service of the motion, exclusive of that day.

DATED: January 31, 2025

Respectfully submitted,

HACKER MURPHY, LLP

Yours, etc.,

*/s James C. Knox*

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JAMES C. KNOX, ESQ.  
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To: **All Counsel Via ECF**